



**A = Approved, A1 = Approved First Reading, A2 = Approved Second Reading, D = Deferred, NA = No Action, PH = Authorized Public Hearing, AD = Approval Denied**

## **ACTION AGENDA**

Hickory City Council  
76 North Center Street

September 21, 2021  
7:00 p.m.

- I. Call to Order
- II. Invocation by Reverend Christy Lohr-Sapp, St. Andrews Lutheran Church
- III. Pledge of Allegiance
- IV. Special Presentations
- V. Persons Requesting to Be Heard
- VI. Approval of Minutes
- A** A. Regular Meeting of September 7, 2021. **(Exhibit VI.A.)**
- VII. Reaffirmation and Ratification of Second Readings. Votes recorded on first reading will be reaffirmed and ratified on second reading unless Council Members change their votes and so indicate on second reading.
- A2** A. Budget Revision Number 4. **(First Reading Vote: Unanimous)**
- A2** B. Consideration of Rezoning Petition No. 21-04 for Property Located at 2909 16th Street NE. **(First Reading Vote: Ayes: Alderman Wood, Alderwoman Williams, Alderman Seaver, Alderman Zagaroli, Alderwoman Patton, and Mayor Guess. Nay: Alderman Williams)**
- VIII. Consent Agenda: All items below will be enacted by vote of City Council. There will be no separate discussion of these items unless a Council Member so requests. In which event, the item will be removed from the Consent Agenda and considered under Item IX.
- PH** A. Call for Public Hearing for Consideration of Proposed Amendments Related to the Hickory Trail System, Section 18-1 and the Addition of Section 18-59 to Chapter 18 Motor Vehicles and Traffic of the Hickory City Code of Ordinance. **(Authorize Public Hearing for October 5, 2021, at 7:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building.) (Exhibit VIII.A.)**
- A** B. Approval of Vacation Time for Prizes for the 2021 United Way Campaign. **(Exhibit VIII.B.)**  
  
*The United Way Campaign Committee requests five days of vacation time to be used as prizes for participation in the City's annual United Way Campaign, which will be held in September 2021. The vacation day prize(s) will be drawn at the end of the campaign. Each year the City of Hickory conducts a United Way campaign, providing an opportunity for coworkers to support United Way and its member organizations. To encourage participation, the committee would like to offer participants a chance to win some vacation time. Based on the level of participation, coworkers would be eligible to enter a drawing to win one of three vacation time prizes of two (1) one-day and one (3) three-day prize. The City is a strong supporter of United Way since they play an important and critical role in the*

community. The Committee uses the campaign to educate the City's workforce about the various programs and services United Way provides and also to provide an easy way to donate. The opportunity to win some vacation time will provide an incentive for participation and contribute to the success of the City's campaign. Staff recommends Council's approval of five (5) days of vacation time to be used as prizes for the 2021 United Way Campaign.

- A C. Approval of a Resolution to Declare Surplus 6,082 Discarded Library Items to be Given to the Friends of the Library to be Sold at the Friends "Corner Book Store" at Patrick Beaver Memorial Library and/or Special Book Sales. **(Exhibit VIII.C)**

*The Friends of the Library collect donated books and other materials on an ongoing basis to be sold at seasonal book sales and/or the Corner Book Store, the proceeds from which provide funds for library programming and other special activities. For many years, the library has given the Friends materials that have been removed from the collection because they are out of date, in poor condition, or no longer needed to meet the collection development goals of the library. The sale of donated and discarded books is the primary fundraising activity of the Friends of the Library, and discarded library materials comprise a significant portion of their inventory. The sale of these items ultimately benefits the library and is an appropriate means of disposing of unneeded materials. The library requests that discarded library materials be declared surplus and given to the Friends of the Library for their use at the "Corner Book Store" and/or seasonal book sales.*

*Notice was advertised in a newspaper having general circulation in the Hickory area on September 9, 2021.*

- A1 D. Consideration of a Speed Limit Reduction to 25 MPH along 3<sup>rd</sup> Avenue SE between NC Highway 127 and South Center Street along 2<sup>nd</sup> Street SE between 3<sup>rd</sup> Avenue SE and 2<sup>nd</sup> Avenue SE, and along 1<sup>st</sup> Street SE between 3<sup>rd</sup> Avenue SE and 2<sup>nd</sup> Avenue SE. **(Exhibit VIII.D.)**

*Staff requests approval to implement a speed limit reduction to 25mph along 3<sup>rd</sup> Avenue SE between NC Highway 127 and South Center Street along 2<sup>nd</sup> Street SE between 3<sup>rd</sup> Avenue SE and 2<sup>nd</sup> Avenue SE and along 1<sup>st</sup> Street SE between 3<sup>rd</sup> Avenue SE and 2<sup>nd</sup> Avenue SE. City Council implemented a Neighborhood Traffic Calming Program that enables citizens to request measures to improve traffic safety in the area where they own property. Citizens requesting traffic calming measures are required to complete and submit a petition with 75 percent of properties in favor of implementation for the request to move forward. The Traffic Division received the completed petition from property owners along 3<sup>rd</sup> Avenue SE between NC Highway 127 and South Center Street, along 2<sup>nd</sup> Street SE between 3<sup>rd</sup> Avenue SE and 2<sup>nd</sup> Avenue SE, and along 1<sup>st</sup> Street SE between 3<sup>rd</sup> Avenue SE and 2<sup>nd</sup> Avenue SE with regards to the Neighborhood Traffic Calming Program and found the property owners to compliant with the guidelines. The petition qualifies for a speed limit reduction to 25mph. Twenty-Four properties were included in the petition and eighteen properties signed in favor of implementation. This represents at least 75 percent approval, which meets the requirement. The necessary sign modifications along the roadway can be performed as a normal part of the Traffic Division's signs/markings shop operations. Staff recommends Council's approval to implement a speed limit reduction to 25mph along 3<sup>rd</sup> Avenue SE between NC Highway 127 and South Center Street, along 2<sup>nd</sup> Street SE between 3<sup>rd</sup> Avenue SE and 2<sup>nd</sup> Avenue SE, and along 1<sup>st</sup> Street SE between 3<sup>rd</sup> Avenue SE and 2<sup>nd</sup> Avenue SE.*

- A E. Approval of a Right of Way Agreement with the North Carolina Department of Transportation in the Amount of \$6,300. **(Exhibit VIII.E.)**

*Staff requests City Council's approval of a right way settlement with the North Carolina Department of Transportation (NCDOT) for property located at the intersection of Clement Boulevard and US 321 NW. As part of the US 321 widening project, the NCDOT is purchasing right of way and utility easements on several City properties. This agreement is the first property to get to the settlement stage. The property is located at the intersection*

of US 321 and Clement Boulevard just north of the Pizza Hut. The parcel is further identified as PIN 279312756227. A portion of the property will be taken for intersection improvements related to the US 321 widening project. Further agreements will come to City Council for approval when the appraisals are completed. The portion of the parcel being purchased was appraised for \$6,300. The parcel previously housed landscaping and a "Welcome to Hickory" sign that was removed several years ago. The property is currently unbuildable, and the remnant will remain unbuildable. The lot can continue to be used as a location for gateway landscaping. Staff recommends Council's approval of the right of way agreement with NCDOT in the amount of \$6,300.

- A**      **F.**      Approval of a Community Development Block Grant Funding Agreement with Habitat for Humanity of the Catawba Valley Inc. in the Amount of \$45,000. **(Exhibit VIII.F.)**

Staff requests Council approval of an agreement between the City of Hickory and Habitat for Humanity of the Catawba Valley, Inc. for FY 2021-2022 funding through the City's Community Development Block Grant Program (CDBG). In February 2021, the City of Hickory Office of Business Development received applications from local nonprofit organizations for funding under the CDBG Program. In the 2021 application, Habitat for Humanity requested funding to support the reconstruction of a home. On April 1<sup>st</sup> the Citizen's Advisory Committee reviewed and recommended funding for these applications as part of the City's Annual Action Plan. The Annual Action Plan was approved following a public hearing on May 4, 2021. The CDBG funding agreement describes the requirements for the City and Habitat for Humanity of the Catawba Valley to ensure that all applicable federal regulations are met. Funds will be used to support the reconstruction of one single-family owner-occupied home for households earning less than eighty percent of the area median income. The funding is part of the Housing Rehabilitation allocation of the City's CDBG Annual Action Plan. The approval of the agreement will allow them to continue to provide much needed housing services to benefit low-to-moderate income households during the 2020-2021 program year. Staff recommends approval of the CDBG funding agreement in the amount of \$45,000 between the City of Hickory and Habitat for Humanity of the Catawba Valley, Inc.

- A**      **G.**      Approval of Change Order Number One with W.C. English Inc. for the Riverwalk North Carolina Department of Transportation EB-5939 Project in the Amount of \$58,750. **(Exhibit VIII.G.)**

Staff requests Council's approval of change order number one with W.C. English, Inc. for the Riverwalk North Carolina Department of Transportation (NCDOT) EB-5939 Project in the amount of \$58,750. The Riverwalk NCDOT portion will contain an entrance from Old Lenoir Road, and parking and access to the trail system. Included in this project will be an elevated walkway over Lake Hickory that interacts with existing City of Hickory amenities. Lighting on the bridge, retaining walls, and all necessary drainage piping are also included in this project. WC English was awarded the bid in October 2020. Change order number one includes a supplemental agreement and constitutes full compensation to change the mast arms from weathered steel to carbon steel and to galvanize the carbon steel and apply a color coating over the galvanization that is meant to match the other weathered steel on the bridge. This change also incorporates necessary protection to avoid a galvanic rust cell developing at the connection points between galvanized carbon steel and weathered steel. The reason for the change is the lack of availability of weathered steel in the shape of the mast arms. Weathered steel is not typically used in the shape of mast arms and not currently available for this project. Staff recommends Council's approval of change order number one with W.C. English, Inc. for the Riverwalk NCDOT EB-5939 Project in the amount of \$58,750.

- A1**      **H.**      Budget Revision Number 5. **(Exhibit VIII.H.)**

1.      To appropriate \$45,000 of General Fund Balance for a revolving loan agreement between the City of Hickory and Habitat for Humanity. These funds will be used to support the reconstruction of one single-family owner-occupied home for households earning less than eighty percent (80%) of area median income.

2. *To appropriate \$750,000 of General Fund Balance to be paid to American Fuji Seal as part of an economic development agreement in Trivium Corporate Center. Matching funds of \$750,000 will come from Catawba County for a total of \$1,500,000.*
3. *To appropriate \$160 in donations towards the purchase of library books.*

IX. Items Removed from Consent Agenda – None

X. Informational Item

XI. New Business:

A. Public Hearings

- A1**
1. Consideration of Rezoning Petition 21-03 for Property Located Near Startown Road, Containing Approximately 108.25 Acres, Owned by Trivium Corporate Center, Inc. – Presentation by Planning Director Brian Frazier. **(Exhibit XI.A.1.)**

*The subject properties were recently voluntarily annexed and currently retain Hickory's Planned Development (PD) designations. The requested action is to assign the properties a City zoning designation of Industrial – Conditional District (IND-CZ). Previously, Trivium Corporate Center, Inc. acquired a parcel on the east side of Startown Road across from the park's current entrance to be utilized for residential and/or commercial uses. Due to the rate of success for the park, Trivium Corporate Center has elected to expand the industrial opportunities onto this site. The requested action is to adjust the zoning designation to these properties. This action would consist of zoning these properties to an Industrial – Conditional District (IND-CZ). The Hickory Regional Planning Commission conducted a public hearing on August 25, 2021, to consider the petition. During the public hearing, the property owner spoke in favor of the petition, while no citizens spoke in opposition. Upon closing the public hearing, the Hickory Regional Planning Commission voted unanimously (7-0) to affirm the petition's consistency with the Hickory by Choice 2030 Comprehensive Plan, and recommended City Council's approval of the petition. Staff concurs with the recommendation of the Hickory Regional Planning Commission.*

*This public hearing was advertised in a newspaper having general circulation in the Hickory area on September 10<sup>th</sup> and 17<sup>th</sup>, 2021.*

- A**
2. Consideration of FY2020-2021 Consolidated Annual Performance and Evaluation Report – Presentation by Community Development Manager Karen Dickerson. **(Exhibit XI.A.2.)**

*The U.S. Department of Housing and Urban Development requires the City of Hickory, as a Community Development Block Grant (CDBG) entitlement funding recipient, to report on CDBG monies spent within the previous fiscal year. The Consolidated Annual Performance and Evaluation Report evaluates the effectiveness of the use of resources in addressing identified goals and objectives cited in the Annual Action Plan which is prepared before the fiscal year begins. The City of Hickory, in complying with the U.S. Department of Housing and Urban Development's requirements, has prepared the Consolidated Annual Performance and Evaluation Report for submission to HUD. The report outlines the City's CDBG expenditures from July 1, 2020 - June 30, 2021. Staff recommends that City Council approve the FY 2020-2021 Consolidated Annual Performance and Evaluation Report.*

*Notice of the availability of this document for public review was published in the Hickory Daily Record on September 6, 2021, September 13, 2021, and September 20, 2021.*

B. Departmental Reports

NA

1. Appointments to Boards and Commissions

**CITIZENS ADVISORY COMMITTEE**

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)

Small Cities Project Area Grace McLaurin Resigned 7-12-2021 VACANT

**COMMUNITY APPEARANCE COMMISSION**

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)

Ward 4 (Alderman Williams Appoints)

(Charlette Gore Resigned 8-23-21) VACANT

At-Large (Outside City but within HRP) (Council Appoints) VACANT

**COMMUNITY RELATIONS COUNCIL**

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)

Other Minority (Council Appoints) VACANT

Other Minority (Council Appoints) VACANT

Other Minority (Council Appoints) VACANT

Differently Abled and is African American or Other Minority (Council Appoints) VACANT

Differently Abled (Council Appoints) Beth Whicker

(Not Eligible for Reappointment)

**HISTORIC PRESERVATION COMMISSION**

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)

Licensed Architect (Council Appoints) Ernie Sills

(Not Eligible for Reappointment)

At-Large (2)(Council Appoints) Mary Moorer

(Eligible for Reappointment/Does Not Wish to Serve Again)

**LIBRARY ADVISORY BOARD**

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)

Ward 4 (D. Williams Appoints) VACANT

Ward 6 (Patton Appoints) Gail Miller

(Eligible for Reappointment/Does Not Wish to Serve Again)

**PUBLIC ART COMMISSION**

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)

Ward 4 (D. Williams Appoints) VACANT

At-Large (Mayor Appoints) Beth Bowman

(Not Eligible for Reappointment)

**PUBLIC HOUSING AUTHORITY**

(Terms Expiring 6-30; 5-Year Terms) (Appointed by the Mayor)

Position 3 (Mayor Appoints) VACANT

Position 9 (Mayor Appoints) (Unexpired Term of Rebecca Clements) VACANT

**YOUTH COUNCIL**

(Terms Expiring 6-30; 1-Year Terms) (Appointed by City Council)

Youth Council Applicant Review Committee Recommends the Following Appointments:

Fred T. Foard VACANT

Homeschool VACANT

C. Presentation of Petitions and Requests

XII. Matters Not on Agenda (requires majority vote of Council to consider)

XIII. General Comments by Members of Council, City Manager or City Attorney of a Non-Business Nature

XIV. Adjournment

**\*Hickory City Code Section 2-56. Public Address to Council:**

**“When conducting public hearings, considering ordinances, and otherwise considering matters wherein the public has a right to be heard, when it appears that there are persons present desiring to be heard, the Mayor shall require those opposing and favoring the proposed action to identify themselves. Each side of the matter shall be given equal time. Those opposing the proposed action shall be allowed 15 minutes for presentation, followed by 15 minutes for those favoring the action, with the opponents then to have five minutes for rebuttal and the proponents to then have five minutes for surrebuttal. Those persons on either side shall have the right to divide their allotted time among them as they may choose. The Council, by majority vote, may extend the time for each side equally. On matters in which the person desiring to address the Council does not have a legal right to speak, the Council shall determine whether it will hear the person. The refusal to hear a person desiring to speak may be based upon grounds that the subject matter is confidential, that its public discussion would be illegal, that it is a matter not within the jurisdiction of the Council or for any other cause deemed sufficient by the Council. Any person allowed to speak who shall depart from the subject under discussion or who shall make personal, impertinent, or slanderous remarks, or who shall become boisterous while addressing the Council shall be declared out of order by the Mayor, or by vote of the Council, and barred from speaking further before the Council unless permission to continue shall be granted by a majority vote of the Council, under such restrictions as the Council may provide.”**

<p><b>The City of Hickory holds all public meetings in accessible rooms. Special requests for accommodation should be submitted by individuals with disabilities at least 48 hours before the scheduled meeting. Phone Services (hearing impaired) – Call 711 or 1-800-735-2962</b></p>
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